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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,561	07/31/2003	Jaime E. Garcia	JK01243	2593
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THE BLACK & DECKER CORPORATION				
701 EAST JOPPA ROAD, TW199				
TOWSON, MD 21286				
EXAMINER				
SWINNEY, JENNIFER B				
ART UNIT		PAPER NUMBER		
3724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,561

Applicant(s)

GARCIA ET AL.

Examiner

JENNIFER SWINNEY

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35, 36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35, 36, 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendments filed 20 December 2010 have been entered. Claims 35, 37, and 38-41 remain pending in the application. Claims 1-34 and 37 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,885,965 to Weissman in view of US Patent No. 5,875,698 to Ceroll et al.

In Re to Claim 35, Weissman teaches a table saw (Fig. 1), comprising: a support surface (Fig. 1, 58) with an aperture (Fig. 1, 70) therethrough, for supporting a workpiece; said blade (Fig. 1, 50) for cutting a workpiece, the blade being disposed in a plane and having a perimeter (Fig. 1), the blade having a rotational axis disposed below the support surface (Figs. 1,3) and within the perimeter of the blade; a support device (Fig. 1, 92, 94) attached to the cutting device assembly, a first optical emitting device (Fig 1, 98) adjustably coupled to the support device and disposed above the support surface to project a first optical indicator (Fig. 1, 102) substantially aligned with the plane (Col. 5, lines 4-10), said first optical indicator is projected to substantially indicate a cutting path of the blade along the workpiece (Fig. 1, Col. 5, lines 4-10).

Examiner notes, the first optical emitting device is capable of being adjusted to maintain an illuminated path for the cutting blade.

In Re to Claim 36, the first optical emitting device (Fig. 1, 98) is adjustably coupled to the support device (Fig. 1, 92, 94) to project a first optical emitting device a first optical indicator (Fig. 1, 102) substantially aligned with first side of the kerf.

In Re to Claim 40, the first optical indicator are lines of light visible to a human (Col. 5, lines 4-10).

In Regards to Claim 35, Weissman does not teach a beveling cutting device assembly comprising a blade adjustably extending through the support surface aperture, and a beveling axis substantially perpendicular to the rotational axis, whereby operation of the blade in the workpiece results in the formation of a kerf having a first and a second side in the workpiece, wherein the first optical emitting device is configured so as to bevel with the blade, and a second optical emitting device adjustable coupled to the support device to project a second optical indicator substantially aligned with the second side of the kerf.

Ceroll teaches it is old and well known in the art of saw to a table saw to have a beveling cutting device assembly (Fig. 2, 24) and a beveling axis substantially perpendicular to the rotational axis (Figs. 2, 3, Col. 3, lines 43-46), whereby operation of the blade in the workpiece results in the formation of a kerf having a first and a second side in the workpiece (Fig. 1).

Examiner notes, Weissman does not explicitly teach a second optical emitting device adjustably coupled to the support device to project a second optical indicator

substantially aligned with the second side of the kerf. The first optical emitting device of Weissman emits a path of light to illuminate the cutting path (Col. 5, lines 4-5), however, one having ordinary skill in the art at the time of invention would have rendered it an obvious design choice to provide Weissman with an additional optical device to increase the light emitted in the cutting zone to perform more precise and accurate cuts. It is further noted, Weismann does not explicitly teach the saw device has a bevel adjustment mechanism. Bevel adjustment mechanism are old and well known devices often incorporated in table saws to position the blade at a plurality of cutting angles to create various angular profiles along the surface of the workpiece. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Weissman with a bevel mechanism as taught by Ceroll to maximize the cutting process of the saw device. It is further noted, the position of first optical emitting device is based on the position of the blade. Therefore, the saw device of Weissman as modified by Ceroll would allow the adjustable first optical emitting device to bevel with the blade to illuminate and indicate the cutting blade path for the blade. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention.

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poet in view of Weusthof.

In Re to Claim 38, Poet teaches a table saw (Fig. 1), but does not teach the first and second optical emitting devices are lasers.

Weusthof teaches a table saw having optical emitting devices which are lasers (Fig. 1, Col. 3, lines 33-40).

Examiner notes, lasers are old and well known light sources utilized to create a visual path for alignment. Laser are incorporated in sawing devices to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Poet with the laser source as disclosed by Weusthof. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman in view of Ceroll, as applied to Claim 35 above, and in further view of JP 408138420 to Takahashi.

In Re to Claim 38, Weismann in view of Ceroll teach a table saw (Fig. 1), but does not teach the first and second optical emitting devices are helium-neon lasers.

Takahash teaches optical emitting devices using gas lasers (Abstract).

Examiner notes, gas lasers (or Helium-neon lasers) are old and well known light sources to create a visual path for various applications. Gas lasers are cost efficient and capable of being incorporated in a sawing device to provide an alignment source to maintain precision and accuracy during a cutting process. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the

light of Weissman with the gas laser source as disclosed by Takahashi. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

6. Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman in view of Ceroll, as applied to Claim 35 above, and in further view of US Patent No. 5,285,708 to Bosten et al.

In Re to Claim 41, Weissman in view of Ceroll teaches a table saw (Fig. 1), but does not teach the first and second optical emitting devices are fan laser beam generators.

Bosten discloses in the art of lighting devices a emitting device with is a fan laser beam generator.

Examiner notes, fan laser beam generators are old and well known light sources to create a linear visual path from the front to a rear distance of the saw support table. Fan laser beam generators project angular paths to ensure proper alignment is created on the workpiece prior the performing the cutting operation. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to substitute the light of Weissman with the fan laser beam generator source as disclosed by Bosten. The substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of invention.

Response to Arguments

7. Applicant's arguments with respect to claims 35, 36, 38-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 8:00 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

25 February 2011

/JS/